

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: BAIR HUGGER FORCED AIR
WARMING PRODUCT LIABILITY
LITIGATION

MDL No.: 15-md-02666 (JNE/DTS)

This Document Relates To:

JEFFIE MILAM,

Civil Action No.: 16-cv-02125

Plaintiff,

**DECLARATION OF DONALD C. GREEN II IN SUPPORT OF
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Donald C. Green II, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiff Jeffie Milam in the above-captioned matter.
2. I submit this affidavit in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 23 [Dkt. 2028] filed on July 3, 2019.
3. Ms. Milam contacted Kennedy Hodges, LLP in June of 2015 regarding injuries that were allegedly caused by the Bair Hugger patient warming device.
4. Medical records and billing records pertaining to Ms. Milam's treatment were obtained by Kennedy Hodges through its third-party medical records retrieval company. Those records indicated that a Bair Hugger device was used during her initial orthopedic surgery.

5. This case was filed on June 24, 2016 to comply with a possible statute of limitations deadline identified by counsel.
6. Counsel worked with Ms. Milam to complete the PFS, beginning in late 2016 and early 2017. Counsel spoke with Ms. Milam at this time and gathered information from her to complete the PFS.
7. An amended PFS, with signed authorization and verification forms, was submitted to the Court on March 28, 2017. No deficiency notices were issued regarding this amended PFS.
8. Counsel was in regular contact with Ms. Milam throughout 2017 and 2018.
9. On July 1, 2019, counsel received an email from Defendants suggesting that Ms. Milam had passed away on December 14, 2018. Counsel was not aware of Ms. Milam's apparent passing prior to receipt of this email.
10. Kennedy Hodges has not been able to establish contact with Ms. Milam or any next of kin to confirm her passing and determine how to proceed.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

July 10, 2019

/s/Donald C. Green II
Donald C. Green II